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Michael Shu-Huan Wang

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EXAMINER

MCDONALD, SHANTESE L

ART UNIT

PAPER NUMBER

3723

NOTIFICATION DATE

DELIVERY MODE

12/15/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL SHU-HUAN WANG,
GEORGE T. WALLACE and TROY STANLEY

Application No. 10/718,921
Technology Center 3700

Mailed: December 12, 2008

Before PAMELA S. BENNETT, *Review Team Paralegal*
BENNETT, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on November 19, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

APPEAL BRIEF, CLAIMS APPENDIX

A review of the Appeal Brief filed January 11, 2008 reveals that claim 12 in the Claims appendix of the Appeal Brief is not in proper format and/or are not consistent as amended in the last entered amendment filed on May 18, 2007. The copy of the claims should be in proper format and should not include any markings such as brackets or underlining except for claims in a reissue application in accordance with 37 CFR 41.37(c)(1)(viii). Furthermore, the Claims Appendix cannot assume entry of After Final Submissions for which an Advisory Action (or other Office communication) has not advised of entry. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8th ed. Rev. 6, Sept 2007) for details.

Specifically, claim 12, as provided in the Brief's Claims Appendix, reads:

12. A method for cleaning a polishing pad in a chemical mechanical polishing system, comprising the steps:

imparting relative motion to said polishing pad, wherein said polishing pad is rotated about a center axis which is perpendicular to the polishing surface of said polishing pad; and

dispensing a wash material directly to the most center portion of said polishing surface about and including said axis;

further comprising dispensing wash material from said dispensing arm to said polishing pad all along an area from the circumference of said polishing surface to said axis.

However, in the last entered Amendment dated May 18, 2007,
claim 12 reads:

12. A method for cleaning a polishing pad in a chemical
mechanical polishing system, comprising the steps:

rotating said polishing pad having a polishing surface
about a center axis, said center axis being substantially
perpendicular to the polishing surface of said polishing
pad; and

dispensing a wash material to said polishing pad all
along an area from the circumference of said polishing
surface to the most center portion of said polishing
surface about and including said axis while said
polishing pad is rotating.

Appropriate correction to the Claims Appendix in proper format is required.

CONCLUSION

Accordingly, it is **ORDERED** that the application is returned to the
Examiner:

- 1) for notification to appellants to file a paper in compliance with
37 CFR § 41.37 which corrects the “Claims appendix” of the Appeal Brief
filed January 11, 2008;
- 2) for consideration of said paper; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the
Board of Patent Appeals and Interferences at 571-272-9797.

PSB

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